

## DIRECTOR LEONIDAS RALPH MECHAM

### 1985-2005

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- The Director of the Administrative Office (AO) is supervised and directed by the Judicial Conference. The Conference's policies and federal law determine the AO's priorities and duties.
- **Budget.** Working with such judges as Charles Clark, Richard Arnold, John Heyburn, and Julia Gibbons, we have been successful in securing resources from Congress. Since 1985, the judiciary's appropriation has grown from \$1 billion to \$5.43 billion in 2005. Even adjusted for inflation, our budget has more than tripled. Obtaining sufficient funding for the judiciary has been and remains a top priority for the AO.
- **Courthouses.** After decades of GSA neglect, I launched a major building planning program in 1985. Since then, nearly \$6.2 billion has been appropriated for courthouse sites, design, and construction, in contrast to only \$480 million in the preceding 15 years. Over 90 building projects have been approved. The total space occupied by the judiciary has tripled to 38 million square feet. Judges Robert Broomfield, Norman Stahl, Jane Roth and others, with the AO, have served in this effort.
- **Relief from GSA Rent.** The judiciary is unfairly burdened by the rent policies and controls imposed by the General Services Administration (GSA). The judiciary is seeking rental payment reductions, similar to exemptions enjoyed by Congress and many federal agencies. As overall funding restrictions have tightened in recent years, the judiciary had to devote an increasing proportion of its appropriated funds to make mandatory rent payments that far exceed the amounts needed to maintain and operate the facilities. Beginning in the spring of 2004, we began an effort to secure nearly \$500 million in rent relief from GSA's current annual bill of about \$1 billion. GSA said "no." Therefore, the focus of attention was transferred to Congress. The judiciary pays 22% of its budget for rent, whereas executive branch agencies, on average, and Congress pay less than 1%. These required rental payments forced an 8% cutback in staff and other critical areas in fiscal years 2004-2005. Since 1989, the policy of the Judicial Conference has been to obtain independence of the judiciary from GSA and assure separation of powers.
- **Automation.** In 1985, we had just two mainframe computers compared to 48,000 computers and 4,500 servers now. With leadership from Judge Richard Bilby and the AO, the Judiciary Automation (now Information Technology) Fund was established in 1990, and this major infusion of funds and the capacity to plan multi-year projects allowed the judiciary to expand greatly its automation efforts. Information technology resources have increased from \$8 million in 1985 to an estimated \$300 million in 2005.
- A judiciary-wide data-communications network provides a secure infrastructure for numerous systems and applications, including electronic mail, intranet sites such as the J-Net and InfoWeb, and case management systems. The Public Access to Court Records (PACER) system now has 489,000 subscribers and generates millions of dollars in fees each year. Modern case management/electronic filing systems are in use in all bankruptcy and most

district courts. The Financial Accounting System for Tomorrow is operating in all courts, and a civil/criminal payment module will soon be deployed. A probation and pretrial services case-management system is operational in all districts, and mobile access to case information by officers is changing how they work in the community.

- **Judges' Pay.** The salary for court of appeals judges has risen from \$80,400 in July 1985 to \$171,800 in 2005, and the salary for district court judges has risen from \$76,000 to \$162,100. These are 114% increases, but 28% when adjusted for inflation. Judges are eligible to receive an additional 1.9% pay adjustment this coming year, which would be the eighth such pay increase in nine years. But, there remains a growing disparity in judges' pay when compared to the private sector (and now with Executive Branch senior staff given recent legislation). Chief Justice Rehnquist led the effort in our greatest success in 1989. Under the Ethics Reform Act of 1989 (Public Law No. 101-194), two previously denied annual pay adjustments were restored in 1990 and a 25% general pay increase was authorized for 1991. Combined with an annual pay adjustment received in 1991, judges' salaries increased 40% over a two-year period.
- In 2003, with the Chief Justice and key judges, the AO launched a massive push in support of legislation which would have granted federal judges a 16.5% general pay increase. While this proposal garnered support from the President and the Senate, it encountered opposition in the House. Working with Judge Brock Hornby and many others, we are continuing to do all we can to articulate the critical need for a pay increase for federal judges, to secure annual COLAs, and to secure COLA parity for judges and members of Congress with federal employees.
- **Benefits.** We have developed a benefits program for the judicial branch that is superior to plans available in the executive or legislative branch. The Judicial Survivors' Annuities System for Article III judges was reformed (the contribution from judges was reduced from 5% of compensation to 2.2%), a new retirement system for magistrate and bankruptcy judges was created, and a substantial 30-100% increase in the premiums that Article III judges over 65 would have had to pay for life insurance (FEGLI) coverage was successfully thwarted. All future increases for senior judges will be paid by the judiciary. We are currently seeking legislation that would extend the "FEGLI fix" to bankruptcy, magistrate, and territorial district judges.
- A special increased travel per diem for judges was first achieved in 1987. The current maximum per diem rate for judges is \$352.
- Over the last six years, several new benefit programs have been initiated by the AO, including the flexible benefits program which has saved judges and judiciary employees millions of dollars in taxes. The maximum amount that can be set aside for the health-care account was increased from \$5,000 to \$10,000 in 2002. Other new benefit programs include the long-term care insurance program, the health benefits premium payment plan, and the commuter benefits program. The amount judges and judiciary employees may be reimbursed for purchasing professional liability insurance was raised to one-half the premium cost, regardless of the

amount. Judges and judiciary employees may also be reimbursed up to \$1,000 for professional fees incurred in the preparation of financial disclosure reports. Automated External (heart) Defibrillators have been placed in each court facility with a full-time judge. The AO has been seeking legislation to grant the Director the authority to establish cafeteria-style benefits programs using judiciary funds to help pay some of the costs of supplemental benefits, such as for dental and vision care.

- **Judgeships.** We have made some progress in securing additional Article III judgeships, but since 1990 when 85 judgeships were created, Congress has been reluctant to pass judgeship bills. Nine district judgeships were created in 1999, ten in 2000, and 15 in 2002. Since 1985, the number of district judges has risen 18% from 575 to 678 (two temporary judgeships lapsed in 2004), and the number of court of appeals judges has risen 7% from 168 to 179. More are critically needed and the Judicial Conference has transmitted proposed legislation to the 109<sup>th</sup> Congress that would establish 68 new judgeships: 12 for the courts of appeals and 56 for the district courts.
- Twenty-eight additional bankruptcy judgeships were created in April 2005; these are the first new judgeships since 1992. This raises the total number of bankruptcy judgeships to 352, 52% higher than 1985 when there were 232 authorized judgeships. The number of authorized full-time magistrate judges, which is determined by the Judicial Conference, not Congress, has increased steadily over the past 20 years, rising 98% from 253 to 500.
- **Decentralization of Management and Budget Authorities to the Courts.** Since the late 1980's, major delegations of authority by the Director to the courts have occurred in budget management, procurement, property management, and human resources. In 2005, the courts and federal defenders now control about \$2 billion in annual spending authority. Contrary to the image of a bureaucracy consolidating its power, the AO has diluted its authority and given chief judges and court managers the flexibility they need to address their unique needs and priorities. We favor local court control and accountability. In 2004, an independent assessment of the budget and management decentralization program concluded that it has been enormously successful for the courts.
- **AO Resources.** The growth in the AO's budget has lagged behind the judiciary as a whole since 1985 (a 75% increase adjusted for inflation compared to 251% for the judiciary), counter to the normal expectations in a central agency. The AO's share of the judiciary's appropriation has dropped from 2.8% in 1985 to 1.2% in 2005. The AO's staff has not grown in the last decade, while court staff increased 19% and defender services staff increased 75%. Due to budget constraints, the AO maintains a high vacancy rate.
- **Improving Intra-branch Relations.** Shortly after taking office in 1985, I met with the top leaders of the Federal Judges Association (FJA) to hear their views on the services provided by the Administrative Office, and I began to build increased cooperation between the FJA and the Administrative Office on issues confronting the judiciary. My action was taken with the approval of Chief Justice Warren Burger who, until that time, had viewed the FJA as a "trade union," which he felt was not appropriate for judges. The FJA pledged that it would not take

any actions inconsistent with Judicial Conference policy. These new relations were solidified when Chief Justice Rehnquist approved my suggestion that he sponsor a reception at the Supreme Court for all members of the FJA soon after he became Chief Justice. I have also worked closely with the National Conference of Bankruptcy Judges and the Federal Magistrate Judges Association, and the officers of both groups provide input on various issues.

- When I became Director in 1985, relations between Chief Justice Burger, the Judicial Conference, the Article III bench, and the bankruptcy judges and courts were very poor indeed. This was an outgrowth of the lengthy battle over the status of bankruptcy judges and courts, which led to the 1982 Supreme Court decision in *Northern Pipeline Construction Co. v. Marathon Pipe Line Co.* It was critical to achieve better working relationships. Therefore, over the past 20 years I have emphasized the key roles played by bankruptcy judges and magistrate judges, and worked to achieve appropriate recognition for them as judges, to include them in the judiciary's policy-making processes, and to elevate their pay. The bankruptcy courts have been provided with necessary resources and authority. I worked with Chief Justice Warren Burger and his successor Chief Justice Rehnquist to improve the representation of bankruptcy judges and magistrate judges on Judicial Conference committees, and I urged their inclusion on the FJC Board. This past year, the Judicial Conference approved the participation of a bankruptcy judge and a magistrate judge at Judicial Conference meetings as observers.
- The goals I set for the AO have emphasized service and partnership with the courts. The AO consults with and involves judges, court unit executives, and other court staff (including court interpreters and judicial assistants), in identifying needs and concerns, assessing options, and formulating solutions. An extensive system of court advisory groups and working groups has ensured that the Administrative Office obtains advice on a regular basis from a broad spectrum of court representatives before proposing new policies, developing systems, or issuing administrative guidelines. In addition, through use of the judiciary's Intranet site, draft documents are posted for judiciary-wide comment before final program changes are issued.
- **Growth in the Court Security Program.** The judiciary's oversight of the court security program has been greatly enhanced. The court security officer program, established in 1983, has grown tremendously. The court security budget grew from \$27 million in 1985 to \$332 million in 2005, and the number of court security officers grew from 828 to 3,876. Along with other emergency needs, at the initiative of the AO, 106 new deputy marshal positions were funded in 2002 to coordinate security in each court. AO staff have worked closely with the U.S. Marshals Service (USES) to ensure that judicial security is their top priority. At the judiciary's urging, a 2005 supplemental appropriations bill enacted in May 2005 provided \$11.9 million to the USES for enhanced judicial security outside of courthouse facilities, including the acquisition of intrusion detection systems for judges' homes.
- **Emergency Response Capabilities.** It is critical that the courts have the capability to perform essential activities and functions without unacceptable interruption under all circumstances whether human-caused, natural, or technological in nature. I created a Judiciary Emergency Preparedness Office in 2001 to coordinate support for courts whenever it is needed. It is led

and staffed by individuals who have other duties during non-emergency periods. Responding quickly to the terrorist attacks of September 11, and, more recently, Hurricanes Katrina and Rita, the AO's emergency response teams worked with judges and court staff to get court facilities, communications, and computer systems working, and to provide necessary funds, delegations of authority, and staff help to return the courts to normal operations as soon as possible. In the aftermath of the recent hurricanes, the AO worked to find housing for relocated court employees and ensure their subsistence costs would be adequately covered. The AO has provided the courts with extensive guidance on emergency preparedness, including a model continuity-of-operations plan, addressed mail safety concerns in light of the 2001 anthrax crisis, and enhanced national communications systems. A Court Operations Support Center outside of Washington, D.C. became operational in 2005 to provide emergency back-up support to the courts.

- **Growth in Court Staff.** The amount spent on court personnel rose from \$465 million in 1985 to an estimated \$2.86 billion in 2005, a 269% increase adjusted for inflation. The total number of staff has risen 86%, with especially high growth in the defender services (up 470%) and probation and pretrial services programs (up 140%). Clerks office staff increased 69%.
- **Court Unit Executives Salaries.** Due to the efforts of Judge W. Royal Ferguson, the Committee on Judicial Resources, and AO leaders, the Judicial Conference endorsed a proposal at its September 2005 session that will allow some executive salaries to rise. The maximum salaries for court unit executives has risen 136% from \$68,700 in 1985 to \$162,100 in 2005. Adjusted for inflation, this is a 41% increase. The biggest salary increase occurred in 1990 when the Judicial Conference, at the AO's urging, approved a 25% raise for all court unit executives. Recent legislative changes have raised Executive Branch salary caps for senior executives, and we are examining how to maintain pay parity with the Executive Branch, which can pay up to \$208,100 to senior employees, much more than the \$162,100 judiciary employees can receive.
- **Thurgood Marshall Federal Judiciary Building.** In 1992, we were successful in getting this monumental but utilitarian building completed on time and under budget. This allowed the AO and other federal judicial agencies to consolidate their staff in one building, and realize major annual savings after six years of use.
- **Federal Judicial Television Network (FJTN).** The AO secured the funding that launched the FJTN in a partnership with the Federal Judicial Center and the U.S. Sentencing Commission. The network consists of more than 300 viewing sites, making it the federal government's second largest broadcasting network. The AO produces about 50% of the programming for the network, broadcasting about 20 hours per week.
- **Cost-Containment Efforts.** Under the Executive Committee's direction, the AO assisted in developing a comprehensive strategy for controlling costs in 2005 and beyond, which was unanimously approved by the Judicial Conference in September 2004. Led by Conference committees, and working closely with court advisors, the Administrative Office is currently engaged in more than 50 cost-containment initiatives related to space and facilities, workforce

efficiency, compensation, technology, and program changes. Also, the AO has been and will continue to implement internal cost-control measures.

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